IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
WEDNESDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY
WRIT PETITION NO : 18880 of 1999

Between:
Kathireddypalli grama Panchayath,
Penumuru Mandal, Chittoor District,
Rep. By its President, Smt. D.Chitti,

W/0. Chandrasehar, aged 26 years,
R/0. athireddypalli (V), Penumuru (M),
Chittoor District.

..... PETITIONER

AND

1. The District Collector, Chittoor.
2. TheMandal Parishad Development officer, Penumuru Mandal, Chittoor District.
3. The Nodel Officer, Penumuru, (M), Chittoor District.
4. P.Markonda Reddy S/0. & age of not known To the Petitioner, R/0. athireddypalli (V), Penumuru (M), Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or Direction declaring the action of the Respondents 1 to 3 in entrusting the execution of work of construction of Masionery drain in Kathireddypalli village, Penumur Mandal, Chittoor District to the 4th respondent as illegal and pass such other orders.

Counsel for the Petitioner: MR.M.P.CHANDRAMOULI

Counsel for the Respondent Nos 1 to 3: GP FOR PANCHAYAT

RAJ & RURAL DEV.

Counsel for the Respondent No.4:None appeared

The Court Made the Following :

ORDER:

Entrusting the construction of Masionery drain in Kathireddypalli village under the estimated cost of Rs. 1 lakh to the 4th respondent by the petitioner-Gram Panchayat is the subject matter of challenge by the petitioner contending that as per the Government guidelines, the Habitation Working Committee has to be formed by the Mandal Parishad Development Officer with the Sarpanch of the Gram Panchayat, Village Administrative Officer of the concerned village and two village elders of the Gram Panchayat with one of them as Convener. Respondents 2 and 3 colluded to get the work executed through the 3rd respondent and accordingly a village working committee has been formed with seven persons and 3rd respondent as the Convener. The said committee has passed a resolution willing to execute the work. On the said resolution, the Nodel Officer, 3rd respondent entrusted the work to the 4th respondent, which is arbitrary and illegal.

3rd respondent filed a counter-affidavit on behalf of the respondents 1 to 3 stating that as per the guidelines

issued under Janma Bhoomi scheme after formation of the Habitation Level Committee in the village, the committee will propose the name of the Convener to take the execution of the work in the habitation. On receipt of the resolution of the Habitation Committee proposing the 4th respondent name as Convener, the work order was issued on 25.06.1999 as per the norms. After receipt of the work order, the Convener has executed the work with the help of the villagers and completed 70% of the work and the same was measured and recorded by the Deputy Executive Engineer, for which an amount of Rs.45,000/- was released and paid. The respondents strictly followed the rules and norms prescribed under Janma Bhoomi Scheme in entrusting the said work to the Convener.

No reply affidavit is filed controverting the fact of execution of work made to the 4th respondent.

On perusal of record, it is clear that the work entrusted to the 4th respondent has already been completed to an extent of 70% to which amounts were already released. In view of the same, no useful purpose would be served in setting aside the work awarded to the 4th respondent and in continuing the interim stay granted by this Court and the interim order is accordingly vacated and the writ petition is liable to be dismissed.

The Writ Petition is accordingly dismissed. No costs.

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The District Collector, Chittoor, Chittoor District.

2. The Mandal Parishad Development Officer,
   Penumuru Mandal, Chittoor District.

3. The Nodel Officer, Penumuru (M),
   Chittoor District.

4. 2 CCs to the G.P. for Panchayat Raj & Rural Development,
   High Court Buildings, Hyderabad (O.U.T).

5. Two CD Copies.

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